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Question of the Falkland Islands (Malvinas)

Letter dated 18 February 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 3 January 2010 from the Permanent Representative of Argentina addressed to you, transmitting in an annex the text of a press release issued on 3 January 2010 by the Government of Argentina on the question of the Falkland Islands (A/64/621).

The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, and rejects the claims by the Government of Argentina to sovereignty over those islands and maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom.

The Principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty. The right of the people of the Falkland Islands to determine their political future was freely exercised throughout the negotiation of the new Falkland Islands Constitution, which came into force on 1 January 2009, and the democratic election of eight new legislative assembly members on 4 November 2009.

The United Kingdom firmly rejects the assertion that developments on the Falkland Islands show disregard for any General Assembly resolution or violate, either in practice or in spirit, any aspect of the Joint Statements by the United Kingdom and Argentina. All developments affecting the economy of the Falkland Islands have been decided on by the Falkland Islands Government and their people. The United Kingdom supports the Falkland Islands Government's economic decisions and appreciates the need for the islands to adapt to the current financial climate.

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The formula on sovereignty agreed by both Governments as part of the Joint Statements was intended to enable the re-establishment of diplomatic relations between the United Kingdom and Argentina, whilst protecting both countries' positions on the sovereignty of the Falkland Islands, and thereafter to enable practical cooperation in the South Atlantic and to facilitate confidence-building. The Joint Statements make no reference to negotiations on sovereignty or being provisional in nature.

The United Kingdom continues to believe that there are many opportunities for cooperation in the South Atlantic under the sovereignty formula which would be of mutual benefit. However, Argentina has chosen to withdraw from cooperation on the South Atlantic Fisheries Commission and the Joint Declaration on Hydrocarbons in recent years. Argentina placed a ban on charter flights travelling to the islands in 2003. Argentina also introduced domestic legislation to penalize companies that wish to do business in or with the Falkland Islands. The United Kingdom has make a number of proposals for different types of cooperation and remains keen to foster a constructive relationship with Argentina and to promote practical cooperation in the South Atlantic.

South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, and it is not a listed territory within the United Nations Decolonization Committee.

I should be grateful if you would circulate the text of the present letter as a document of the General Assembly under agenda item 23.

(*Signed*) Mark **Lyall Grant**